

AMANDA BARGE and ARTHUR BARGE  
Plaintiffs

v.

DAVID J. SALINGER, M.D. and  
KEYSTONE ONCOLOGY, LLC  
Defendants

IN THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA

NO. 1:CV-00-1881

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

**FILED**  
**HARRISBURG**  
**AUG 08 2003**  
Per **MARY E. D'ANDREA, CLERK**  
Deputy Clerk

**ORDER**

And Now, this 8<sup>th</sup> day of August, 2003, upon consideration of the attached Stipulation for Amendment of Court's Order regarding Plaintiff's Petition for Delay Damages, it is hereby Ordered and Directed that the provisions of this Court's Order dated June 24, 2003 are hereby amended as follows:

1. The verdict in this matter shall be modified and the computation of delay damages shall be as follows:

***Salinger, M.D. and Keystone Oncology -***

Initial Molded verdict amount	\$ 189,647.54 ( <i>includes consortium</i> )
Proportionate share of delay damages	\$ 11,044.06 ( <i>calculated w/out consortium</i> )
Proportionate share of costs	\$ 97.50
	<u>\$ 200,789.10</u>

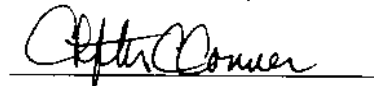
***Ying, Ph.D. and Comprehensive -***

Initial Molded verdict amount	\$ 122,500.00 ( <i>includes consortium</i> )
Proportionate share of delay damages	\$ 5946.80 ( <i>calculated w/out consortium</i> )
Proportionate share of costs	\$ 52.50
	<u>\$ 128,499.30</u>

**TOTAL MOLDED VERDICT - \$ 329,288.40**

In all other respects the June 24, 2003 Order stands as entered.

BY THE COURT,



Christopher C. Conner, Judge

AMANDA BARGE and ARTHUR BARGE  
Plaintiffs

v.

DAVID J. SALINGER, M.D. and  
KEYSTONE ONCOLOGY, LLC  
Defendants

IN THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA

NO. 1:CV-00-1881

HONORABLE CHRISTOPHER C. CONNER

JURY TRIAL DEMANDED

**STIPULATION FOR AMENDMENT TO ORDER OF PLAINTIFF'S PETITION FOR  
DELAY DAMAGES**

AND NOW, this 8<sup>th</sup> day of August 2003, Plaintiffs' Amanda Barge and Arthur Barge, by and through their attorneys, Richard Oare, Esquire and Louis G. Close, III, Esquire; Defendants, David J. Salinger, M.D. and Keystone Oncology, LLC, by and through their attorney, B. Craig Black, Esquire; and William Ying, Ph.D. and Comprehensive Physics and Regulatory Services Ltd., by and through their attorney, Joseph A. Ricci, Esquire, respectfully submit the following

Stipulation for Amendment to the Court's Order regarding Plaintiff's Petition for Delay Damages, wherein the following is stated:

1. The above captioned action was commenced by virtue of a Complaint filed with this Honorable Court on October 25, 2000.
2. This Honorable Court most recently entered an Order on June 24, 2003 approving Plaintiffs' Petition for Delay Damages and modified the judgment entered in this matter. In this Honorable Court's Order, the Court found that the molded verdict of May 7, 2003, less the consortium award is found to be \$287,147.54. The Court then concluded that the delay damages

in this matter should accumulate to \$16,990.86. According to the Court's Order, the total amount due to the plaintiff was \$329,138.40.

3. Based on recent conversations among the parties and the Court, it has been found that there was a mathematical error in the computation of the judgment amounts determined by the Court. The correct computations of delay damages are as follows:

***Salinger, M.D. and Keystone Oncology -***

Initial Molded verdict amount	\$ 189,647.54 ( <i>includes consortium</i> )
Proportionate share of delay damages	\$ 11,044.06 ( <i>calculated w/out consortium</i> )
Proportionate share of costs	\$ 97.50
	<hr/>
	<b>\$ 200,789.10</b>

***Ying, Ph.D. and Comprehensive -***

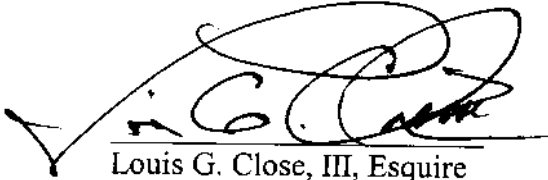
Initial Molded verdict amount	\$ 122,500.00 ( <i>includes consortium</i> )
Proportionate share of delay damages	\$ 5946.80 ( <i>calculated w/out consortium</i> )
Proportionate share of costs	\$ 52.50
	<hr/>
	<b>\$ 128,499.30</b>

<b>TOTAL MOLDED VERDICT -</b>	<b>\$ 329,288.40</b>
-------------------------------	----------------------

4. In the interest of justice the parties hereto respectively request this Honorable Court to approve this Stipulation for Amendment to the Court's Order regarding Plaintiff's Petition for Delay Damages and enter an Order in conformance therewith.

5. This Stipulation may be signed by counsel for the parties in counterparts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. G. Close, III', written over a horizontal line.

Louis G. Close, III, Esquire  
(Attorney for Amanda Barge  
and Arthur Barge)

A handwritten signature in black ink, appearing to read 'B. Craig Black', written over a horizontal line.

B. Craig Black, Esquire  
McKissock & Hoffman, P.C.  
(Counsel for David Salinger, M.D.  
and Keystone Oncology LLC)

Joseph A. Ricci, Esquire  
Farrell & Ricci  
(Attorney for William Ying, Ph.D., and  
Comprehensive Physics and Regulatory Services,  
Ltd.)

5. This Stipulation may be signed by counsel for the parties in counterparts.

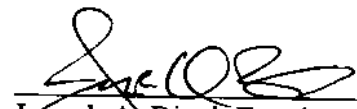
Respectfully submitted,

---

Louis G. Close, III, Esquire  
(Attorney for Amanda Barge  
and Arthur Barge)

---

B. Craig Black, Esquire  
McKissock & Hoffman, P.C.  
(Counsel for David Salinger, M.D.  
and Keystone Oncology LLC)



---

Joseph A. Ricci, Esquire  
Farrell & Ricci  
(Attorney for William Ying, Ph.D., and  
Comprehensive Physics and Regulatory Services,  
Ltd.)

**CERTIFICATE OF SERVICE**


I hereby certify that I am this day serving a copy of the foregoing proposed Order and Stipulation for Amendment to Order of Plaintiff's Petition for Delay Damages upon the person(s) and in the manner indicated below, which service satisfies the requirements of FRCP 5(b), by depositing a copy of same in the United States Mail, first-class postage prepaid, addressed as follows:

Richard Oare, Esquire  
1434 South George Street  
York, PA 17403  
*(Counsel for Plaintiffs)*

Louis G. Close, III, Esquire  
22 West Pennsylvania Avenue  
Towson, MD 21204  
*(Co-Counsel for Plaintiffs)*

Joseph A. Ricci, Esquire  
Farrell & Ricci  
4423 North Front Street  
Harrisburg, PA 17110  
*(Counsel for William Ying, Ph.D., Comprehensive Physics and  
Regulatory Services, Ltd. and Equimed, Inc.)*

McKissock & Hoffman, P.C.

By:   
B. Craig Black, Esquire  
2040 Linglestown Road  
Suite 302  
Harrisburg, PA 17110  
(717) 540-3400

Attorneys for Defendants, David J. Salinger, M.D.  
and Keystone Oncology, LLC

Dated: 8/5/03